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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/081,695	02/22/2002	James F. McGuckin JR.	1917	1281	
7:	590 04/20/2004		EXAM	EXAMINER	
Neil D. Gersh	Neil D. Gershon			DESANTO, MATTHEW F	
Chief Patent Counsel Rex Medical			ART UNIT	PAPER NUMBER	
2023 Summer St., Suite 2			3763		
Stamford, CT 06905			DATE MAILED: 04/20/2004		

Please find below and/or attached an Office communication concerning this application or proceeding.

## **Advisory Action**

Application No.	Applicant(s)
10/081,695	MCGUCKIN ET AL.
Examiner	Art Unit
Matthew F DeSanto	3763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 3/24/04 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a

final reje condition	ction under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued attom (RCE) in compliance with 37 CFR 1.114.
	PERIOD FOR REPLY [check either a) or b)]
	The period for reply expiresmonths from the mailing date of the final rejection.
•	The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).
have been f 37 CFR 1.1 (b) above, if	sions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in f checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any ent term adjustment. See 37 CFR 1.704(b).
	Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. Th	ne proposed amendment(s) will not be entered because:
(a) 🛭	they raise new issues that would require further consideration and/or search (see NOTE below);
(b) 🗆	they raise the issue of new matter (see Note below);
(c) [	they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) [	they present additional claims without canceling a corresponding number of finally rejected claims.
3.□ Ap	NOTE: <u>See Continuation Sheet.</u> oplicant's reply has overcome the following rejection(s):
	ewly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment anceling the non-allowable claim(s).
	ne a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the pplication in condition for allowance because:
	ne affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly alsed by the Examiner in the final rejection.
	or purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
Th	ne status of the claim(s) is (or will be) as follows:
С	laim(s) allowed:
С	laim(s) objected to:
С	laim(s) rejected: <u>1-14,27 and 31-36</u> .
С	laim(s) withdrawn from consideration:
8. Tr	ne drawing correction filed on is a)□ approved or b)□ disapproved by the Examiner.
9. No	ote the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)
10. O	other:
	Modeller 4/9/04

U.S. Patent and Trademark Office PTOL-303 (Rev. 11-03)

Continuation of 2. NOTE: The amendment changes the scope of the claim and therefore requires further consideration and a new search

BRIAN L. CASLER

SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 3700

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